

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4787 OF 2022
(@ out of SLP (Civil) No. 12580 /2022)
(@ out of SLP (Civil) Diary No.10550/2021)

HUMAN WELFARE TRUST & ORS.

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

ORDER

Delay condoned.

Leave granted.

This appeal challenges the judgment and order dated 02-01-2019 passed by the High Court of Judicature at Allahabad in Writ-C No. 5519/2011.

The aforesaid writ petition had questioned the correctness of the order dated 05.06.2005 passed by the District Magistrate, black-listing “Khamaria Hospital and Vivekanand Hospital” for having violated certain norms while dispensing medical facilities/services to the needy in terms of programmes initiated by the State Government.

It is accepted by the learned counsel for the State that the effect of the order, which was passed way-back in 2005, is still subsisting.

Without going into any other issues, in the facts and circumstances of the case, in our considered view, the effect of said order cannot continue to subsist at this length of time. While allowing the appeal, it is, therefore, declared that the effect of black-listing order dated 05.06.2005, shall cease to have any effect.

With respect to the prayer for direction to pay an amount Rs.21,66,450/-, the direction issued by the High Court in the instant case shall be operative and the matter shall be gone into in terms of said direction.

The amount of Rs.25,000/- deposited in this Court pursuant to the interim order, shall be refunded to the appellant(s). The pay order in the said sum alongwith interest accrued thereon, if any, shall be handed over to the learned counsel for the appellant(s).

With these observations, the appeal is allowed, without any order as to costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(SUDHANSHU DHULIA)

New Delhi,
July 18 ,2022

ITEM NO.27

COURT NO.2

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10550/2021

(Arising out of impugned final judgment and order dated 02-01-2019 in WC No. 5519/2011 passed by the High Court Of Judicature At Allahabad)

HUMAN WELFARE TRUST & ORS.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No.88646/2021-CONDONATION OF DELAY IN FILING and IA No.88653/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.88651/2021-EXEMPTION FROM FILING O.T.)

Date : 18-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Yatish Mohan, Adv.
Mr. Vinayak Mohan, Adv.
Mr. Hemant Kumar Sagar, Adv.
Mr. E. C. Vidya Sagar, AOR

For Respondent(s) Ms. Garima Prashad, Sr. Adv./AAG
Mr. Vishnu Shankar Jain, AOR
Mr. Harsh Pratap Shahi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)